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May 13, 2008

Mr. Troy Brady
Section of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

**Re: STB Finance Docket No. 35136,
U S Rail Corporation--Petition for 49 C.F.R.1105.10(a)waiver -
Brookhaven Rail Terminal**

Dear Mr. Brady,

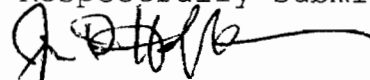
Please accept this letter clarifying a statement contained in our April 29, 2008 correspondence, to wit: "On March 17, 2008, U S Rail met with the SEA in advance of filing its construction petition. At that meeting, environmental reporting requirements were discussed and a consensus reached that the project appeared to warrant an EA, rather than an EIS."

After receiving the SEA's May 1, 2008 letter response and conferring with other meeting participants, we have determined the following language much more accurately reflects what was discussed with the SEA, and our letter should have been worded as follows:

Based upon other construction projects similar in scope, presenting little or no environmental problems, subject to a determination to be made after a site visit and after responses to consultation letters have been received and reviewed, it appears that this project may qualify for an EA.

Please consider our April 29th letter amended accordingly. We thank the SEA for its time and consideration.

Respectfully submitted,


John D. Heffner

James H. M. Savage
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Attorneys for U S Rail
Corporation

JHMS/mhd

cc: Mark A. Cuthbertson, Esq. (by email)
John D. Heffner, Esq.
Mr. Gerard Drumm
Mr. Gabriel Hall